



City of Minneapolis
Department of Regulatory Services
Licenses and Consumer Services Division
350 South Fifth Street Room 1-C City Hall
Minneapolis, Minnesota 55415
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FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS

In the Matter of License No. L028 50111
CROSSTOWN QWIK N SERVE BP
for BEER OFF-SALE

Held by:
KAR BUSINESS INVESTMENTS LLC
KURT KENNETH BOHNEN
6004 PENN AVE S
MINNEAPOLIS, MN 55419

12-0957773

This matter came before a License Settlement Conference hearing on Monday, December 17th, 2012. Appearing for the licensee was Kurt Bohnen and Rick Bohnen, owners, of Kar Business Investments LLC, dba Crosstown Qwik N Serve BP. Appearing for the Licenses and Consumer services were Deputy Director Grant Wilson and License Inspector Mohamed Ismail. Lieutenant Chris Hildreth and Sergeant Rolf Markstrom represented the Minneapolis Police Department. Based on the evidence presented at the hearing, the department makes the following findings of fact:

Findings of Fact

1. The Minneapolis Police Department License Investigative Division conducts youth alcohol compliance checks in an effort to assure retail-alcohol license holders are not serving alcohol to persons under the age of 21.
2. On November 23, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Crosstown Qwik N Serve BP, located at 6004 Penn Av S, in the City of Minneapolis. A 20 year old male shopper and an 18 year old male shopper were sent into the business in an attempt to purchase

alcohol. The shoppers went to the beer cooler, and the 20 year old shopper picked out a six pack of Smirnoff Ice. The shoppers walked up to the checkout counter, and the 20 year old shopper presented the six pack to the cashier. The cashier asked the 20 year old shopper for ID. After looking at the ID, the cashier rang up the sale. The 20 year old shopper paid for the six pack, and the cashier gave the shopper his change. Two plain clothes Minneapolis Police Officers were standing approximately 15 feet away from the shoppers and observed the above transaction. The 20 year old shopper handed the six pack of Smirnoff Ice to the officers. The sale was completed and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to Crosstown Qwik N Serve BP in the amount of \$500.00 as detailed in a City Council Resolution. The business has paid the \$500.00 administrative fine.

3. On December 22, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Crosstown Qwik N Serve BP pursuant to the above compliance check failure. Two underage shoppers were sent into the business in an attempt to purchase alcohol. The underage shoppers were carded, identified as being under 21 years of age and refused service. The business passed the compliance re-check.
4. On October 30, 2012 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Crosstown Qwik N Serve BP for the calendar year of 2012. A 19 year old female was sent into the business in an attempt to purchase alcohol. The shopper went to the beer cooler, picked out a six pack of Miller Lite, and presented the six pack of beer to the cashier at the checkout counter. The cashier did not ask the shopper for her ID. The cashier rang up the sale. The shopper paid for the six pack of beer, and the cashier gave the shopper her change. The shopper took possession of the six pack of beer. Two plain clothes Minneapolis Police Officers were situated approximately 15 feet away from the shopper and observed the transaction. The shopper handed the six pack of beer over to the officers. The sale was completed and the business was considered to have failed the compliance check. This constituted Crosstown Qwik N Serve BP's second youth alcohol compliance check failure within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to Crosstown Qwik N Serve in the amount of \$1000.00 as detailed in a City Council Resolution. The business has paid the \$1000.00 administrative fine.
5. From the first sale on November 23, 2011, the cashier was charged with Furnishing Alcohol to a Person Under 21 and convicted of said charge. Criminal charges against the cashier are pending as a result of the October 30, 2012 sale.

Conclusions

1. On two separate occasions, employees of Crosstown Qwik N Serve BP sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months.

2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

Recommendation

Based on evidence presented at the hearing, the Department makes the following recommendations:

1. The City of Minneapolis will impose a sanction in the amount of \$1500.00 for failing two alcohol compliance checks for sales to minors; \$1000.00 of the sanction will be stayed for a period of 12 months pending no further instances of a violation for the sale of alcohol to a person under the age of 21. The remaining \$500 sanction must either be paid or the business may choose to suspend sales of alcohol for 3 days. In lieu of \$500, the business agreed to suspend the sale of alcohol for 3 days. Crosstown Qwik N Serve BP agrees to suspend sales of alcohol on December 24th, 25th, and 26th, 2012.
2. The licensee agrees to implement and maintain a comprehensive alcohol sales policy. This policy is to include the following:
 - a. Signs limiting the sale of alcohol to persons above the age of 21 shall be posted at the entrance door and the cash register.
 - b. All employees will take alcohol server training within 30 days of the start of their employment.
 - c. The business agrees that they will establish a program to complete in-house compliance checks for the sale of alcohol to minors.
 - d. The business will purchase and use a calendar that shows day by the day date when an individual reaches the age of 21.

Crosstown Qwik Serve BP understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

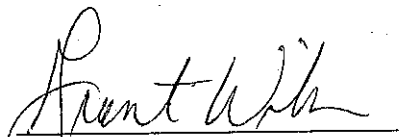
I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

For the City of Minneapolis:

By: 
(signature)


Grant J. Wilson
Manager

Its: OWNER
(title)

Dated: 12/21, 2012

Dated: 12-21, 2012